FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES

Tuesday, May 9, 2017

COHEN CENTER BALLROOM, ROOM # 203-B
Florida Gulf Coast University

Meeting Minutes

Members:
Present: Trustee Dudley Goodlette – Chair; Trustee Ken Smith – Vice Chair; Trustee Darleen Cors; Trustee Shawn Felton; Trustee Joe Fogg III; Trustee Leo Montgomery; Trustee Kevin Price; Trustee Russell Priddy; Trustee Robbie Roepstorff; Trustee Christian Spilker; and Trustee Jalisa White.

Not Present: Trustee Blake Gable (Excused Absence).

Others:
Staff Advisory Council (SAC) Vice President Lauren Strunk representing SAC President Nicole Catalfamo.

Staff: President Wilson Bradshaw; Provost and Vice President for Academic Affairs Ron Toll; Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera; Vice President for Student Affairs Mike Rollo; Vice President for University Advancement, and Executive Director of FGCU Foundation Chris Simoneau; Vice President and Chief of Staff Susan Evans; Vice President and General Counsel Vee Leonard; Chief Compliance and Ethics Officer Stacey Chados; Interim Director of Internal Audit Bill Foster; Assistant Director of Board Operations Lauren Schuetz; Project Manager Danielle O’Brien; Director of Media Relations Lillian Pagan; and Executive Assistant to the Vice President and Chief of Staff Tiffany Reynolds.

Guests: President-elect Mike Martin

Item 1: Call to Order, and Roll Call
Chair Dudley Goodlette called the meeting to order at 8:31 a.m. Roll call was taken with 11 of 12 members present, thus meeting quorum requirements.

Chair Goodlette welcomed President-elect Mike Martin to the meeting and asked him to say a few words.

President-elect Martin said his visit to the campus and meetings with President Bradshaw and his team had been educational, and he appreciated the welcome.
President-elect Martin stated that he had met the day before with the deans and other central administrative staff; and he said the quality of the people he interacted with certainly reflected the quality of the Florida Gulf Coast University Board of Trustees’ commitment to the University and for that, he was greatly appreciative. President-elect Martin said he was looking forward to spending more time with President Bradshaw and his team. President-elect Martin stated his wife and he had rented a house and were looking forward to living in the community and interacting with students, faculty, staff, friends, leadership with the governance board, and others.

Chair Goodlette commented on the recent Commencement ceremonies where more than 1,600 students graduated. He thanked the members of the FGCU Board of Trustees (BOT) who were able to attend, specifically Trustees Roepstorff, Priddy, Felton, and White; and outgoing Student Government President Thieldens Elneus. He thanked President Bradshaw for his Commencement speeches that were well received and inspired standing ovations.

**Item 2: Consent Agenda (Tab #1)**

Chair Goodlette stated the Consent Agenda included the Minutes of the FGCU Board of Trustees meeting on April 11, 2017. He said the minutes had an amendment. He asked Vice President and Chief of Staff Susan Evans to read the amendment into the record.

Ms. Evans stated the amendments were related to the approval at the last meeting of the Student Code of Conduct, and wanted to make certain it was clear in the minutes that the motion that was approved and the action that was taken was with the amendments offered by Vice President for Student Affairs Mike Rollo. She read into the record the changes as follow in yellow highlighting:

Starting at Line 710: “He said there was some **amendatory** language that needed to be added to the Burden of Proof section of the document and to the instructions on how to digitally record more serious cases; but other than that, there had been no major changes in the Code. **The amendatory language was distributed (see attached).**”

Starting at Line 718: “Trustee Smith made a motion to approve FGCU-PR4.002 Student Code of Conduct and Student Conduct Review Process **as amended.**”

Chair Goodlette called for a motion to incorporate the amendments into the minutes and approve the minutes.

Trustee Darleen Cors made a motion to approve the minutes with the incorporated amendments. Trustee Leo Montgomery seconded the motion. There was no further discussion.

Public comment included Dr. Nora Demers, Fort Myers, Florida.
Chair Goodlette thanked Dr. Demers for her comments and asked for further discussion. He asked Ms. Evans to call the roll for the vote. The vote was unanimous in favor of the motion.

Item 3: Academic/Student/Faculty Affairs Committee (Includes Public Comment)
(See Tabs #2 and #3)

As introductory remarks, Chair Goodlette stated that during the past few weeks, he and President Bradshaw along with Provost and Vice President for Academic Affairs Ron Toll, Senior Associate Provost and Associate Vice President Paul Snyder, and Vice President and Chief of Staff Susan Evans had briefed President-elect Martin on the FGCU 2017 Work Plan. He said President-elect Martin had reviewed this year’s Work Plan draft, as well as previous years’ plans. He indicated that these briefings included discussing the data, as well as the dynamics of the Work Plan. Chair Goodlette stated President-elect Martin’s comments to him had indicated that President-elect Martin was present at the Board meeting as part of his transition and as an observer, and he did not feel knowledgeable enough yet to offer significant revisions or to know if revisions were needed to the Work Plan.

President-elect Martin thanked Chair Goodlette and President Bradshaw for involving him in the process, and he noted there seemed to be a thoughtful approach taken to the Plan’s development. He added clearly the Work Plan would always be a work in progress, and he was impressed with the expertise brought to bear on the process. He congratulated everyone for the good work that had been done thus far.

FGCU 2017 Work Plan for Board of Governors (Tab #2)
Chair Goodlette called on Academic/Student/Faculty Affairs Committee Chair Christian Spilker.

Trustee Spilker stated there was one action item, FGCU 2017 Work Plan for the Board of Governors, before the Board. He noted there were requested narrative revisions made by the Board of Governors (BOG) to be discussed. He asked Provost and Vice President for Academic Affairs Ron Toll to conduct the discussion of this item.

Dr. Toll indicated that decisions based on the discussions at the previous Board meeting are embedded in the current draft dated April 27, 2017. He stated members of the FGCU Board of Trustees had been involved in the development process and thus stated he would not be going over it section by section, but rather he would like to call for any questions and discussion from the Board.

Trustee Spilker asked Dr. Toll to review the amendments requested by the Board of Governors. Chair Goodlette indicated the provided handout detailed the amendments.

Dr. Toll called on Dr. Snyder to comment. Dr. Snyder indicated these were last minute changes that the Board of Governors’ staff had made, and the amendments were mostly wordsmith changes.
Trustee Robbie Roepstorff asked if the provided Work Plan draft included these changes. Dr. Snyder replied that the provided draft was distributed prior to receiving the amendments from the Board of Governors (BOG) and the final version will incorporate these changes. Trustee Spilker clarified that if the Work Plan was approved, it would be amended to include these changes.

Ms. Evans pointed out it was her understanding these were narrative revision recommendations by the Board of Governors for all the universities, and were not specific to FGCU’s Work Plan.

Trustee Felton asked if any of the data were changed.

Dr. Snyder said none of the data were changed, just the years in the columns. Dr. Toll asked the Board to remember different data was current as of different years, and this was not a single synoptic report. He also indicated that various data were one, two, or three years old.

Trustee Spilker asked for a motion to approve the Work Plan including the narrative revisions from the Board of Governors.

Chair Goodlette made a motion to approve the FGCU 2017 Work Plan. Trustee Fogg seconded the motion. Trustee Spilker called for discussion.

Trustee Roepstorff asked if the BOG staff had removed the Student Debt and Net Cost item or if FGCU had removed it. She said this item had always been of significant importance and an area where Florida Gulf Coast University had done well. Dr. Snyder responded it had been removed this year because the BOG had decided it was more appropriate to include it in the Annual Accountability report.

Trustee Smith said on page 44 of 91 in the Strengths and Opportunities section, all of the Pillars were not listed, which meant certain significant programs such as the Physician Assistant (PA) program in the Health Sciences, and the Emergent Technologies Institute (ETI) were not included. He expressed concern that the Pillars were not emphasized within the complete report. He said on the next page, Key Initiatives and Investments, the document said, “exploring creation of enrollment management.” He commented the Board had been discussing enrollment management for a long time and the use of the word “explore” seemed inaccurate. He read, “University data systems and analytics will significantly be enhanced,” and he asked when this would happen and what it meant. He stated he would not support the Work Plan. He noted that the Chair of the BOG had come to a Workshop in October 2016, and inquired as to why FGCU continues to increase enrollment. He said this Plan does not address the questions asked during that Workshop. He pointed out the Work Plan showed an increase in revenue, yet it did not take into consideration the cut in revenue, which might occur. He expressed further concern that the Work Plan does not embrace the Strategic Plan.
President Bradshaw responded foundational to the development of the Work Plan was the assumption there would be an $8 million cut. Secondly, he said the enrollment growth was not always new enrollment but also included enhanced retention rates.

President Bradshaw added he had been working with President-elect Martin regarding decisions on what would be cut to accommodate the $8 million reduction. He said the focus of the Work Plan was on student success. He asked Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera to elaborate on the revenue question.

Mr. Magiera began with page 53 of the Work Plan and stated the 2016-2017 estimated performance money was $3 million. He pointed out this was not the projection for next year, which would show the shortfall in performance funding.

Trustee Smith commented he appreciated the explanation and it made sense. However, the Work Plan projected additional programs, so he questioned if the Work Plan was realistic.

Mr. Magiera stated at the June 13 FGCU Board of Trustees (BOT) meeting, the budget would be brought forward, which would show the $8 million shortfall, but there was other money that would be coming in as well.

Trustee Smith said he was taking it on “good faith” this was all going to add up.

Mr. Magiera said regarding enrollment, the Board of Governors (BOG) consistently was looking at a five-year report, and five years ago, FGCU was at six to seven percent growth; however, last year there was basically zero percent growth. He said that when the BOG looked at the growth, it was looking at five years ago. President Bradshaw indicated that the reduced growth was strategic.

Dr. Toll added that tuition revenue was generated on credit hours, not on head count or full-time equivalents (FTE), and last year there were more credit hours per student. Overall, he reported FGCU had had a credit hour increase of approximately 3.5 percent, which was good with the head count not changing. He explained the table on page 52 showed proposed figures with some based on Legislative Budget Requests (LBR), which have just been determined at the legislature; and therefore, programs would need to be re-tooled as some were approved with one-time, non-recurring funds, which made them almost impossible to manage without the ability to hire faculty and staff. He said these were projections for the year and then out-year projections, and so these figures would change over time based in part on available funding.

Trustee Roepstorff said she felt Dr. Toll and President Bradshaw did themselves an injustice by not making a presentation on the Work Plan, but instead just opening it up to the floor for questions. She pointed out this Plan was very different from last year’s Work Plan, and the Board could not be expected to know where they were coming from in terms of the thought process in developing it. She stated an area of concern for her
was the Academic Program Coordination, which had three new programs that were not
in the 2016 Work Plan, and two programs missing that were on the list last year. She
said it begged the question why the missing programs were no longer being considered
and why the new programs were being considered. She reiterated the Work Plan
should have been presented with that information, as it would be best to have the
support of all the trustees.

President Bradshaw said each item could be explained if it was the pleasure of the
Board. He pointed out many of these items have appeared in previous work plans, but
some of the numbers had changed, which were indicated in red. He said he
appreciated the Board’s concern, and his team was fully prepared to go through the
figures, item by item.

Trustee Spilker suggested the Board go through the Performance Based Funding
Metrics to discuss the selected goals and choose the three options for the Board of
Governors (BOG). Dr. Toll stated this decision was scheduled for the June 13 Board
meeting.

Trustee Spilker stated this was an action item for the Work Plan and asked the deadline
for its submission to the BOG. Dr. Toll said the draft Work Plan was sent to the BOG
staff the day before to seek input. He said the BOG has not yet responded, but the
deadline for submission of the BOT-approved Work Plan to the BOG was two weeks
from now on May 23.

Dr. Toll directed the Board to page 46, Performance Based Funding Metrics
(Actual/Goals). He explained the column on the far right, 2018-2019, was the projected
year. He stated the colors indicated the following: Blue for the changed metric; black
for numbers that had stayed the same; green for figures that had surpassed goals; and
red for goals that had not been met.

Chair Goodlette asked what effect the approved legislation that required universities to
implement block tuition might have on these figures.

Dr. Toll responded it was difficult to say what a block tuition plan would do. He said the
goal was to incentivize students to graduate sooner, in a timely manner in four years or
less. He said he would hope positive additions to the trends would be reflected. He
pointed out some students may see block tuition as a penalty if it would not be possible
for them to take 12 or 15 hours. He added the legislature was requiring the block plan
be in place in the fall semester of 2018.

Trustee Russell Priddy asked if the head count remained the same, how much more
room would be available to increase revenues.

Mr. Magiera responded he was not sure of the increase in revenue if the head count
remained the same, but under the block tuition plan set at 15 credit hours, there would
be about $4 million of additional tuition revenue.
Trustee Priddy clarified that at the next meeting when the budget projections would be presented, the revenue projected would not include money from an increase in hours taken by existing students. Mr. Magiera stated that was correct.

Dr. Toll asked the Board to remember the projection, which was very accurate, was talking about marginal additional revenue and did not factor in marginal additional cost structure.

Trustee Smith asked how many points FGCU had received last year on Metric 3. Dr. Toll responded two points. Trustee Smith asked if this year the expectation was to receive zero points, and the response was affirmative.

Trustee Smith referenced the graduation rate and pointed out the growth was flat. He said he was concerned about what the Work Plan would do to make sure President-elect Martin got the big bonus based on increased graduation rates. He asked what was in the Plan that could make the graduation rate go up or make any of the other items increase.

Dr. Toll stated Trustee Smith’s question was appropriate, but he said it was important to remember this document does not give great degrees of freedom in terms of putting in narrative. He said the document’s format was restrictive, and he could answer the question by pointing out the many programs and initiatives at the University. However, he said the Board of Governors’ intent was to look at the figures and assume the operations of the University were being directed in such a way as to achieve these numbers. He said he believed there was some intrinsic reflection in the historic pattern of the data. He added he respected Trustee Smith’s analysis of Metric 4, and he was simply saying the document did not lend itself to the kinds of tactical operations, which were being held at the level of units, the overall University, or the level of Divisions.

Trustee Smith concurred that Dr. Toll made a great point. Trustee Smith said at some point in the future he would like to know the tactical plan to achieve their goals. He said he was concerned about where the Plan would be five years from now, and some gradual changes needed to be made to enable progress. He pointed out he had made these same comments in past years.

Trustee Spilker said he had the same qualms as Trustee Smith; however, his reaction was the template for the Work Plan that was given to them by the BOG. This did not mean it was necessarily the FGCU Board’s Work Plan relative to what the Board had identified as key goals. He said Trustee Smith’s frustration might come from thinking this Work Plan was all the Board was relying on, and this was not so. He pointed out there have been many meetings that discussed the Dashboard, or identification of the soft points, and indicated it would be helpful that as a supplement to this report to have a running dialogue on what the Board has identified as success metrics. Trustee Spilker said this was the BOG’s report, and the FGCU Board should have its own report where it tracked the metrics and the Strategic Plan.
Trustee Roepstorff agreed two concurrent plans should be in place. If the FGCU Board of Trustees had a separate report, it would be advantageous.

Trustee Fogg said FGCU was at a critical point of leadership change. The question, which it appeared to him, the Board was asking, was what could be done differently. He said President-elect Martin should be the one to answer that question. He suggested a meeting be scheduled after President-elect Martin has had an opportunity to assess the situation, and hear from him as to what could be done differently.

Chair Goodlette said the Board of Governors expected Florida Gulf Coast University to present not just this Work Plan, but also a Strategic Plan before the end of the year. He said the BOG had indicated it would welcome the presentation of the Strategic Plan to be made later in the year after President-elect Martin has had an opportunity to evaluate it. He said he knew before the end of the year FGCU would have an opportunity to visit with the BOG on nuances, and perhaps modifications, to the Strategic Plan.

President Bradshaw said several presentations had been made about going forward. He said FGCU had been focusing on the graduation rate by recruiting better students and promoting the Honors College. He stated in the last three years, the average GPA had consistently gone up, and fewer students had been admitted because analytics were being used to predict who would be successful. He pointed out the format of the Work Plan did not permit that information to be presented, but it had been presented at different workshops to the Board. He pointed out what FGCU was doing differently was admitting fewer students, promoting Soar in 4, and expanding the Honors College, which would be going from 700 to 1,200 students in the next three to four years.

Trustee Spilker said possibly the FGCU Board of Trustees was a little frustrated because it had heard information a little at a time. He said an occasional reminder of what was being done to make progress would be helpful to the Board.

President Bradshaw emphasized having fewer students taking more credits would result in students graduating sooner, and block tuition could result in an increase in tuition revenue.

Trustee Kevin Price said he loved the format of the Work Plan, and the last thing the Board needed was another report. He said the Strategic Plan was a five-year document, which showed the direction for the University. He said the Work Plan was intended to be literally the “work” on an annual basis. He added the language used in the Work Plan in the gold letters showed this.

Trustee Roepstorff asked what cohorts would affect the next performance metrics report in the category of graduation in no more than six years. Dr. Toll responded for next year it would be the group which had started in 2011. Trustee Roepstorff stated she did not know the progress of the 2011 cohort and asked how many students were on track to graduate in six years.
Dr. Toll said the data was available in the Dashboard, which specifically addressed graduation rate year by year. He said that for last year there was a 2.5 percent increase over the projected number. He said for next year the anticipation was for a 3 percent increase, and projections continued for 1.5 to 2 percent for the out years and the additional anticipation for 3 percent increases. He also pointed out the 2011/2017 cohort data in terms of 47 percent were the groups that had just graduated. He said the figures in the Work Plan were based on the presentations that had been made to the Board about the Dashboard and the data contained there.

Trustee Smith said what Dr. Toll had just presented was very helpful.

Trustee Spilker called for further comments.

President Bradshaw reminded the Board the numbers in black were the numbers that had been approved before, and the numbers in red could be changed, but most of the numbers had been reviewed in previous work plans.

Trustee Price said he understood the Board needed to vote on the projections out to 2020, and the University was measured and paid on a year-by-year basis. He said he was most concerned about the targets being set. He agreed the Dashboard needed to be monitored to see the trending. He stated if movement was seen, then the Board could be more aggressive. He pointed out the 2020 numbers could be changed at any time in the future. He posed a question about the new programs listed on page 14 and how these programs would be funded.

Mr. Magiera said the programs listed to start in 2017-2018 were in response to retention of students. He said at the June 13 meeting when he presents the budget, various categories for this funding would be under consideration. He said maybe some programs would not receive funding, but that it was still important to begin the planning process.

President Bradshaw stated last year FGCU had been given a special appropriation for the first three programs listed on page 14. He asked Dr. Toll how the $1 million in recurring money had been used, and the response was it had been used to construct a new facility behind Holmes Hall to support Construction Management, and upgrade technology to support Business Analytics.

President Bradshaw asked how much money at this point in the legislative process was allocated for the three programs. Dr. Toll said $1.75 million, which was non-recurring. Director of Government Relations Jennifer Goen stated all projects this year had been funded with non-recurring funds. President Bradshaw said his point was special appropriations had been received initially for the programs, and this year the money had continued into the specific programs.

Trustee Price asked if employers were funding any of these programs. Dr. Toll responded in some cases this was true. He stated the Digital Media Design Program
was not too costly due to the computer environment which existed at the University. He said a local corporation had provided support with a three-year commitment to help launch the Professional Sales program. Dr. Toll stated it was painfully obvious with non-recurring money, faculty could not be hired. He said, therefore, FGCU was putting the funds to the best use possible. He said it was hoped recurring funds would replace non-recurring funds in the future.

President Bradshaw clarified that although the Digital Media Design Program was low-cost, it had high enrollment projected.

Trustee Price pointed out certain programs were offered because it was what students wanted, and this would help with retention. He said students want degrees for which their peers are well paid. Dr. Toll added Construction Management was an excellent example.

Trustee Roepstorff asked if the programs on the list would be brought before the FGCU Board of Trustees for consideration, and the response was affirmative.

Trustee Felton stated that in regard to the cost of the Health Administration or Athletic Training degrees that there would be a re-tooling of already existing resources which would help alleviate some cost.

Trustee Spilker said he would like the Board to consider removing the word “explore” from the Work Plan language. President Bradshaw agreed.

Trustee Spilker called for further discussion by the Board. There was no further discussion.

Public comment included Dr. Nora Demers, Fort Myers, Florida.

The vote was 10-1 in favor of the motion, with Trustee Smith dissenting.

Response to Recommendations in Board of Governors Office of Inspector General and Director of Compliance Investigation Report OIGC No. 2017-25 (Tab #3)

Chair Goodlette continued with the action item to approve the response to the Board of Governors (BOG) recommendations contained in the Inspector General’s Report No. 2017-25. He stated the BOG had provided the template for the response and indicated the items that were already addressed by the FGCU Board of Trustees. He said at this time, the Board would be considering the remaining items, and a response was due to the BOG no later than May 26, 2017. He said his plan was to send to the BOG a letter along with what was approved, and he expressed appreciation to Vice President and General Counsel Vee Leonard, Vice President and Chief of Staff Susan Evans and President Bradshaw for their assistance with the responses. Chair Goodlette called for questions.
Trustee Smith expressed frustration that concerns regarding the election of the Vice Chair of the FGCU Board of Trustees, and the handling of the posting of Presidential Search Advisory Committee minutes were not brought forward prior to the report.

Trustee Priddy commented he would echo Trustee Smith’s comments, and added it was his expectation if there was a possibility a committee was not following the rules, a member of the staff should point it out.

Trustee Fogg asked if the reference in the document to the Office of Institutional Equity and Compliance was actually the Office of Compliance and Ethics. President Bradshaw responded these were not the same, and the Office of Institutional Equity and Compliance dealt with Title IX issues.

President Bradshaw responded to Trustee Priddy’s comment and said there was some ambiguous language, which had since been amended and approved by the Board at the January 10 meeting.

Trustee Priddy said the whole investigation alluded to the fact there must have been a violation of the Sunshine Law, either directly or indirectly. He said it occurred to him that without the ability to talk about such things as nominations, the Committee could be put into an awkward position of nominating someone who could refuse to serve in that capacity.

After some discussion of this issue, Chair Goodlette said there was no right answer to the question.

Trustee Priddy suggested there not be a nominating committee that operated outside the Board meeting, and rather that the Officers Nominating Committee should meet at a regular Board meeting.

President Bradshaw clarified the issue of the Presidential Search Advisory Committee minutes was not if the minutes had been posted, but whether the posting had been within two weeks.

Trustee Spilker made a motion to submit the Response to Recommendations in Board of Governors Office of Inspector General and Director of Compliance Investigation Report with the corrective actions as noted. Trustee Cors seconded the motion.

Vice President and General Counsel Vee Leonard commented that the included Regulation draft update had to be posted 30 days in advance of voting, so this was just a proposal of the changes. She said the actual approval of the Regulation would not occur until the June 13 Board meeting. She said it would be posted next week for the June meeting, so if the changes were not acceptable, changes could be made any time before the posting.

There was no public comment. The vote was unanimous in favor of the motion.
Item 4: Old Business
Chair Goodlette stated Trustee Fogg could not serve on the Financing Corporation Board of Directors because of his role as Chair of the FGCU Board’s Audit and Compliance Committee. He said it also was true none of the members on the Audit and Compliance Committee could serve on the Financing Corporation Board. As such, he asked Trustee Priddy if he would again serve on the Financing Corporation Board, and Trustee Priddy accepted.

Item 5: New Business
Trustee Smith commented that he did not want to be surprised by the budget presentation at the June 13 Board meeting, and would be looking for details as soon as possible.

Item 6: Chair’s Closing Remarks, & Meeting Adjournment
Chair Goodlette invited President-elect Martin to make closing remarks.

President-elect Martin thanked everyone for their wonderful reception and cordiality toward him, which was a testament to a good and continually improving University.

In closing, Chair Goodlette said the next FGCU Board of Trustees meeting was on Tuesday, June 13 at 8:30 a.m. The next Audit and Compliance Committee meeting was on May 15, 2017, at 1 p.m. at Marieb Hall, Room 402.

Chair Goodlette adjourned the meeting at 10:16 a.m.

Minutes prepared by Transcription Experts, and reviewed by Tiffany Reynolds, Executive Assistant to the Vice President and Chief of Staff.

Agenda Items:
A. See Tabs #1 – 3
B. Handouts
Attachment:
   A. Record of Votes
# Record of Votes
FGCU Board of Trustees
DATE: 5/09/2017

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The following amendments are requested to the draft Regulation FGCU-PR4.002.

Section D.1.(d) currently reads: (Page 13 of 57)
“Standard of Proof – The standard of proof necessary for a determination that a Violation of any provision of this Code has occurred is a preponderance of the evidence. This means the information presented supports the finding that the Violation more likely than not occurred.”

Section D.1.(d) is proposed to be amended as follows:
“Standard of Proof – The standard of proof necessary for a determination that a Violation of any provision of this Code has occurred is a preponderance of the evidence. This means the information presented supports the finding that the Violation more likely than not occurred. All hearings shall be conducted on the basis that the Respondent Student or Organization is not in violation. The burden of proof shall not be upon the Respondent Student or Organization who is subject to the hearing.”

Section D.3.c.(1) currently reads:
“All Administrative Hearings will be digitally recorded by the Hearing Officer. This will serve as the sole official verbatim record of the Disciplinary Proceeding. Any other recordings, including videotaping, of any Hearing is prohibited except to the extent necessary to facilitate witness statements or the remote participation of one or more parties through technological means.”

Section D.3.c.(1) is proposed to be amended as follows: (Page 18 of 57)
“All Administrative Hearings will be digitally recorded by the Hearing Officer where the Respondent Student or Organization has the potential for receiving a sanction of suspension or expulsion from the University and will serve as the official verbatim record of the proceeding. Any other recordings, including videotaping, of any Hearing is prohibited except to the extent necessary to facilitate witness statements or the remote participation of one or more parties through technological means.”

Section D.4.c.(1) is proposed to be amended as follows: (Page 22 of 57)
“All Administrative Hearings will be digitally recorded by the Hearing Officer where the Respondent Student or Organization has the potential for receiving a sanction of suspension or expulsion from the University and will serve as the official verbatim record of the proceeding. Any other recordings, including videotaping, of any Hearing is prohibited except to the extent necessary to facilitate witness statements or the remote participation of one or more parties through technological means.”